

LEGAL AID SOCIETY OF MID-NEW YORK, INC.

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2004 PRIVATE ATTORNEY INVOLVEMENT PLAN

As of January 1, 2004, Legal Aid Society of Mid New York, Inc., Legal Services of Central New York, Inc., and Legal Aid for Broome and Chenango, Inc. restructured, to create a new thirteen county service area, pursuant to the requirements of the Legal Services Corporation. The thirteen counties served by the new organization, the Legal Aid Society of Mid-New York, Inc. (the "Legal Aid Society" or "Society"), are as follows: Oneida, Herkimer, Lewis, Madison, Otsego, Delaware, Jefferson, Oswego, Cayuga, Onondaga, Cortland, Chenango, and Broome. Legal Services of Central New York, Inc. will also be serving the 13 county service area but will not be accepting funds from Legal Services Corporation. Legal Aid for Broome & Chenango, Inc. will no longer be providing services as a separate entity. The Society, as the sole Legal Services Corporation provider in the 13 county service area, will be conducting the Private Attorney Involvement Plan.

The Board of Directors of the Legal Aid Society recognizes the large unmet need for civil legal services for the indigent in New York State and particularly within the thirteen county service area of the Society. The last scientific study updated in 1993 conducted by an independent research organization, The Spangenberg Group, found that only 14% of the civil legal needs of the indigent are being met in New York State. The Board of Directors believes that the bar associations and individual members of the bar have an important role to play with the Society to help meet this large, unmet need.

The Private Attorney Involvement Plan (the "PAI Plan" or "Plan"), which is required by § 1614 of the Legal Services Corporation regulations, is premised upon the Legal Aid Society working closely with bar associations and individual members of the bar to maximize the participation of the bar in addressing the unmet civil legal needs of the poor. The Plan also places a special emphasis on increasing the number of pro bono cases accepted by members of the private bar in areas of law set forth in the Legal Aid Society's Priorities for Service.

Plan Components

The 2004 Plan consists of six integrated components: referral of clients to private attorneys on Volunteer Lawyer Panels, Pro Se Divorce Clinics, Pro Bono Counsel and Advice Clinics, Community Legal Education training events performed by Legal Aid Society staff for private attorneys, client legal education performed by volunteer lawyers, and Legal Aid Society staff education performed by volunteer lawyers. These components were utilized prior to the restructuring and, due to their

success, have been incorporated into the Society's 2004 PAI Plan.

The first component of the 2004 Plan is the referral of clients to attorneys on our Volunteer Lawyer Panels. The Panels, which have been established in each of the thirteen counties, are administered by the Society and are co-sponsored by many local bar associations. The attorneys who volunteer designate the amount and type of civil cases they will accept. In referring cases, the attorney's area of expertise is matched with the Society's priorities for service. Referrals are made to volunteer attorneys after a PAI Coordinator or other staff member screens the prospective client for eligibility and conflicts and meets with them to determine if their case falls within the priorities for service guidelines. Once a case is referred, the referring staff member performs case follow-up. Client satisfaction surveys are used to help determine if clients are satisfied with referrals that are made.

The second component of the 2004 Plan consists of Pro Se Divorce Clinics. At each clinic, 10 to 30 participants are instructed by a volunteer attorney on how to complete a modified version of the New York State Unified Court System's Uncontested Divorce Packet. The likelihood of the divorce being uncontested is evaluated by staff members before each participant attends the clinic, and participants are also pre-screened for eligibility and conflicts. Surveys are collected at the time each file is closed to determine case outcome and whether participants were satisfied with this model. This component, which has been so well-received in years past, will be expanded in 2004. Four clinics serving participants in at least five counties in our thirteen county service area are anticipated for this year.

The third component of the 2004 Plan consists of Pro Bono Counsel and Advice Clinics. These clinics, which were inaugurated in 1992, have been very effective in serving our client population and in recruiting members to the Volunteer Lawyer Panels. The cases most frequently handled through the clinics are in the areas of family/matrimonial, consumer/bankruptcy, and landlord/tenant law. At the clinic, a volunteer attorney meets with three to five clients to advise them on their civil legal problems. A staff attorney is present at each clinic to determine whether extended service is required. If so, the case may either be handled in-house or referred to a volunteer attorney under the first component of the Plan.

The fourth component of the 2004 Plan is to identify, conduct and participate in training events for private attorneys on issues affecting the indigent. This component of the Plan will be conducted by the PAI Supervisor or other staff attorneys.

The fifth component of the 2004 Plan is to recruit volunteer attorneys to conduct legal education events for the client community on topics that are of concern to the client population. It is anticipated that such training events will be held in a majority of the counties served by the Society during 2004. The topics will depend upon the expertise of the volunteer attorneys and the needs of the client population.

The sixth component of the 2004 Plan is to recruit volunteer attorneys to help train staff of the Legal Aid Society in areas of the law that are outside their usual areas of expertise. Training events will depend upon matching the needs of the Legal Aid staff and the expertise of the volunteer attorneys.

Staffing

The PAI program is administered from the main office in Utica by the PAI Supervisor, in conjunction with the Special Projects Coordinator. The PAI Supervisor position was created in 1991 (then titled staff liaison attorney) to work with local bar associations to help increase pro bono civil representation for indigent persons. The PAI Supervisor, who is also a staff attorney, has developed the centralized knowledge of local bar associations critical in expanding organized pro bono activities throughout the service area of the Society. The PAI Supervisor oversees referrals in the Utica office and referral activity in the branch offices.

The Special Projects Coordinator is supervised by the PAI Supervisor. Together they and other staff will be responsible for the day-to-day administration of the clinics, as well as referrals in the 13 counties. Duties include scheduling volunteer attorneys, staff attorneys and clients for clinics in Oneida and surrounding counties, maintaining and updating databases, and generating statistical reports regarding private attorney involvement activities in the service area. The Special Projects Coordinator works with the PAI Supervisor in organizing recruitment drives, community legal education events, and presentation of certificates of appreciation.

The PAI Supervisor also supervises two PAI Coordinators, each of whom is an attorney, in the Syracuse and Binghamton branch offices. A full-time PAI Coordinator in the Syracuse office is responsible for direct oversight of the PAI program in Onondaga, Cayuga, Cortland, Jefferson, and Oswego counties. A part-time PAI Coordinator in the Binghamton branch office, who is also a staff attorney in that office, oversees the PAI program in Broome and Chenango counties.

Staff attorneys in the various branch offices are an integral part of the PAI program as well. They are responsible for making monthly referrals to members of the Volunteer Lawyer Panels, and monitoring the progress of referred cases. Through their frequent contacts with the private bar, they also play an important role in the recruitment of volunteer attorneys.

Continuing Legal Education Credit (CLE) For Attorneys

The Society has received approval from the New York State Bar CLE Board to become a provider of CLE credit for pro bono work. The Society grants CLE credit to attorneys for Pro Bono work performed annually based upon actual hours of service reported in each year pursuant to regulations and guidelines promulgated by the CLE Board. Under the present guidelines, attorneys may receive one half (½) CLE credit for two and one half (2-1/2) hours (50 minutes is considered one hour) of service up to a maximum of six CLE credits in each two year attorney reporting period to the Office of Court Administration. The PAI Supervisor, Special Projects Coordinator, and PAI Coordinators will work with local bar associations within the service area, as well as the Rural Law Center of New York, Inc., to maximize the effectiveness of Plan component.

Plan Cost Analysis

The PAI program costs will be compared to market costs on a periodic basis and

separately identified as to the program component involved.

The PAI Plan is broken down into six specific components and additional non-specific components. To measure the market value of the first, second and third components (the Volunteer Lawyer Panels, Pro Se Divorce Clinics, and the Pro Bono Counsel and Advice Clinics), the program polled the private bar to determine customary cost per hour that a fee-paying client is charged. Through the computerization of PAI statistics, it is expected that costs per case will be able to be calculated with greater accuracy.

The fourth, fifth and sixth components of the Plan are to conduct training events for the private bar, to conduct legal education events for clients, and to use private attorneys to train program staff. To measure the market value of these components, the program will survey not-for-profit and other professional organizations throughout New York State to determine the cost of putting on similar events and the cost per participant in such events. Consideration will be given to the fact that organizational dues usually supplement training costs, as shown in member versus non-member conference fees.

The cost of the PAI Supervisor, the Special Projects Coordinator, and the PAI Coordinators will be calculated. Our assumption is that the salary costs for the staff involved equals market value. Other costs such as rent, telephone, and supplies will be included. The market value of training events will be determined as described above. The market value of the number of cases referred, worked on and closed, and clinic involvement, which can be attributed to staff work, will also be calculated.

Plan Adoption and Improvements

The Board of Directors of the Legal Aid Society will adopt a PAI Plan after circulation of the Plan to local bar associations, private attorneys, social service agencies, and clients for comment. The Board, its Committees, and the Executive Director will periodically review the progress of the Plan.

Plan Priorities, Conflicts of Interest, and Linguistic and Cultural Barriers

The PAI Plan will use the priorities for service established pursuant to Legal Services Corporation regulations. The Board of Directors has determined that the use of a Volunteer Lawyer Panel is the most effective and economical way to deliver legal assistance to clients who otherwise would remain unserved by the Legal Aid Society due to staffing limitations. All PAI clients are screened by the program to assure that there are no actual or potential conflicts of interest. The individual volunteer lawyer is chosen for a particular client only if there is no linguistic or cultural barrier to effective advocacy. In addition, the program obtains interpreters or signers for clients and volunteer lawyers who need them.

Recruitment, Referral, and Delivery of Service

Under the first and third components of the Plan (the Volunteer Lawyer Panel and Pro Bono Counsel and Advice Clinics), a recruitment survey will be sent to private attorneys in the program area. The private attorneys will indicate the areas of law that match their expertise and skill and whether they would like to accept case referrals or

staff the clinics. Training will be provided by program staff and other members of the bar under the fourth component of the Plan to assist the volunteer lawyers who wish to accept cases that are unique or involve new areas of law.

Under the referral model, the program staff screen clients in the Legal Aid office. A Referral Unit staff attorney then refers all pre-screened PAI clients to members of the panel. Staff uses the priorities for service of the program. The volunteer lawyers designate the types and numbers of cases they will accept. Under the pro bono clinic model, the attorneys who have volunteered to staff the clinics meet with clients who have been prescreened for eligibility. Under the pro se divorce clinic model, several members of the Volunteer Lawyer Panel will be asked to conduct the Pro Se Divorce Clinics, instructing low-income participants on how to complete the matrimonial pleadings. Participants will be prescreened for conflicts and eligibility. Both clinic models will be attended by a staff attorney who administers the clinic.

Staff attorneys responsible for referrals are familiar with the experience level of the volunteer attorneys due to the limited number of attorneys in the area and program longevity of the staff. The volunteer attorneys have access to the resources of the program including an extensive law library, brief and pleading bank, forms, and computer assisted legal research. When the referral is made to a volunteer attorney, the Special Projects Coordinator, PAI Coordinator, or other staff member who made the referral follows up on the progress of the case referred. The volunteer attorneys are informed that our office is available to assist them by answering substantive questions, performing legal research, or providing form pleadings. At the time of referral, the volunteer attorney may be asked to project a date by which the case will be completed. A progress report is sent to the attorney on that date to inquire about the status of the case and offer assistance if necessary. If a PAI case does not have a projected date of completion, a progress report is sent to the attorney at two-month intervals. The client is instructed at the initial point of referral to contact the referring staff attorney at any time during the course of a case if problems arise or the client is dissatisfied. Additionally, a closing letter is sent to the client when the PAI case is closed and client satisfaction surveys are also used.

Under the second component of the Plan, the Pro Se Divorce Clinic participants will be instructed to contact the Special Projects Coordinator and/or the volunteer attorney if questions arise after they file their legal papers or if the opposing side files an answer. The PAI Supervisor and/or the volunteer attorney will answer questions and decide whether individual representation should be provided. Client satisfaction surveys will be given to all participants upon the closing of their case.

The PAI Workgroup

In anticipation of the restructuring of Legal Services, a PAI workgroup was formed 2003 to discuss methods of increasing private attorney involvement in the new 13 county service area. The workgroup, whose participants include the PAI Supervisor, the Special Projects Coordinator, the PAI Coordinators, and staff members from various branch offices, has identified several goals for improving pro bono representation for 2004 and beyond, with a particular focus on rural communities in our service area. These include conducting town meetings to identify legal needs in rural counties, surveying attorneys in rural counties as to areas of expertise, providing training in areas

of need where attorneys are less proficient, and partnering with the Rural Law Center to create best practices seminars which attorneys could attend without charge in exchange for accepting a pro bono case. The PAI workgroup will continue to meet periodically to review the progress and implementation of these goals, and other issues related to improving private attorney involvement in our service area.

Conclusion

The PAI Plan described above incorporates the most effective components of the three PAI programs in existence prior to the restructuring. These include utilization of a decentralized model in which staff attorneys are responsible, in conjunction with the Coordinators, for case referrals and follow-up. The program continues and expands upon the Pro Bono Counsel and Advice Clinics and Pro Se Divorce Clinics in Oneida and surrounding counties, and will seek to implement new goals identified by the PAI Workgroup. The close working relationship between the Legal Aid Society staff and local bar associations in our service area, as well as the Society's ability to provide CLE credits, are also expected to stimulate enrollment. These elements, together with the implementation of an improved computerized record keeping system, should help position us for a highly successful program in 2004.